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UNCLAS SECTION 01 OF 02 ALMATY 000821

SIPDIS

SENSITIVE

DEPARTMENT FOR SCA/CEN (MUDGE); DRL/PHD (KUCHTA-HELBLING)

E.O. 190356: N/A

TAGS: [PHUM](#) [PGOV](#) [KZ](#) [POLITICAL](#)

SUBJECT: OPPOSITION, AMBASSADOR DISCUSS SARSENBAIULY CASE

REF: ALMATY 795

ALMATY 733

ALMATY 576

ALMATY 651 (NOTAL)

ALMATY 692 (NOTAL)

ALMATY 717 (NOTAL)

1. (SBU) Summary: In a March 2 meeting, opposition leaders Oraz Zhandosov and Tulegen Zhakayev told Ambassador that, while they could accept that the ten people arrested thus far in the Sarsenbaiuly murder case (reftels) had been involved in the crime, they did not believe that Senate Administration Chief Yerzhan Utembayev had masterminded the murder. The two leaders sought the Ambassador's assurance that, from the USG's point of view, the investigation had not been "wrapped up," and that the FBI remained open to alternative hypotheses. Zhandosov and Zhakayev briefed the Ambassador on the legal status of opposition leaders sentenced to jail for their role in an "unsanctioned rally" in Almaty on February 26, telling him that both the size and the passion of the crowd had taken them by surprise. Speaking of the President's May 1 Address to the Nation, the two opposition leaders voiced concern that Nazarbayev had listed "further democratization" as only his fifth priority. End Summary.

Opposition Still Skeptical

2. (SBU) Ambassador met with "For a Just Kazakhstan" leaders Oraz Zhandosov and Tulegen Zhakayev on March 2, two days after both had been fined by an Almaty court for their role in organizing an "unsanctioned" February 26 Sarsenbaiuly memorial/rally.

3. (SBU) Zhandosov told the Ambassador that, while he could accept the idea that the ten men arrested so far in the Sarsenbaiuly case had somehow been involved in the crime, he still did not believe the Internal Affairs Minister's "official version" that Utembayev had been the crime's mastermind. Not only did Utembayev lack a motive, Zhandosov said, but also he didn't have the "personal characteristics" to order a murder. The men cast doubt on the reliability -- and even on the existence -- of Utembayev's alleged confession.

4. (SBU) Speaking of their May 1 call for the creation of a State Commission to investigate the murder, Zhandosov told Ambassador that he feared that, after identifying Utembayev as the mastermind of the crime, the GOK had essentially closed its investigation. The Ambassador assured the men that the investigation was still ongoing, and that the FBI was still engaged with the GOK, either to verify the current hypothesis or "to find another." The Ambassador told the men that, while the GOK had conducted a "very professional" investigation so far, there was still work to be done. The motive the investigators had advanced for Utembayev's actions was logical, but not beyond doubt. Zhandosov concluded by summarizing his opinion: the investigators, he said, needed to discover "additional layers" in the murder plot.

"The Biggest Demonstration in 20 Years"

5. (SBU) The men briefed Ambassador on the aftermath of the February 26 memorial for Sarsenbaiuly in front of the Academy of Sciences. The gathering turned into a spontaneous march and subsequent rally on the Republican Square in response to what appeared to a deliberate attempt by officials to disrupt the event by playing deafening music. Zhandosov and Zhakayev admitted that they had been surprised by the size and the passion of the gathered crowd. Unlike the Sarsenbaiuly funeral in early February, this gathering had had a clear political dimension. The crowd's decision to move to Republic Square rather than being cowed by heavy handed attempts to drown out the event was also significant. Although the police attempted to block the crowd's access to Republican Square, they did not use force. Once on the Republican Square, Zhandosov explained, various political leaders, led by Communist Party chief Serikbolsyn Abdildin, had taken advantage of

circumstances to make fiery anti-government remarks.

16. (SBU) Eleven opposition leaders were subsequently charged with having organized an illegal rally. On February 28, an Almaty court sentenced six (Bulat Abilov, Tolen Tokhtasynov, Asylbek Kozhakhmetov, Amirzhan Kosanov, Marzhan Aspandiyarova, and Petr Svoik) to jail terms ranging from 5 to 15 days, and fined five others (Zharmakhan Tuyakbay, Gulzhan Tergaliyeva, Zauresh Battalova, Zhandosov, and Zhakayev) from 30-50,000 tenge (\$230 to \$382) apiece.

Reflecting on Nazarbayev's Speech

17. (SBU) Zhandosov and Zhakayev told the Ambassador that, in their opinion, the fact that Nazarbayev had listed "further democratization" as only his fifth priority in his May 1 Address to the Nation was significant. They suggested that not even the pro-government press had expected that there would be so little discussion of political reform, and such a hard line taken on democracy.

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